

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

DEANDREA WALKER) JURY TRIAL DEMANDED
Plaintiff,)
)
v.) Case No.
)
SUNBIT NOW, LLC,)
Defendant.)
)
)

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Deandrea Walker, an individual consumer, against Defendant Sunbit Now, LLC for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue in this District is proper in that the Defendants transact business in Atlanta, Georgia and the conduct complained of occurred in Georgia.

III. PARTIES

4. Plaintiff Deandrea Walker (hereinafter “Mr. Walker”) is a natural person residing in the state of Georgia.
5. Mr. Walker is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a(3).
6. Upon information and belief, Defendant Sunbit Now, LLC is a California based debt collection company.
7. Defendant Sunbit Now, LLC is engaged in the collection of debt from consumers using the mail and telephone.
8. Defendant Sunbit Now, LLC regularly attempts to collect consumers’ debts alleged to be due to others.

IV. FACTS OF THE COMPLAINT

9. Defendant Sunbit Now, LLC (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).
10. On or about August 4, 2023, Debt Collector sent Mr. Walker a dunning sms text seeking to collect on an alleged consumer debt.
11. Mr. Walker, responded by both email and sms text to Debt Collector stating he refused to pay the debt.

12. On or about August 8, 2023, Mr. Walker received an email from Debt Collector seeking to collect on the alleged debt.
13. Moreover, Mr. Walker has continued to receive numerous communications from Debt Collector including but not limited to the following dates:
 - i. August 17, 2023,
 - ii. August 21, 2023,
 - iii. August 22, 2023, and
 - iv. August 25, 2023.
14. Debt Collector's violations of the FDCPA are material because Debt Collector's failure to cease contact with Mr. Walker would make an unsophisticated consumer believe that they did not have the rights Congress had granted to them under the FDCPA.
15. This violation of the FDCPA is sufficient to show an injury-in-fact. Debt Collector's actions alarmed, confused, and distressed Mr. Walker and constituted an illegal invasion of Mr. Walker's privacy and an intrusion on Mr. Walker's seclusion.

V. FIRST CLAIM FOR RELIEF
15 U.S.C. § 1692c

16. Mr. Walker re-alleges and reincorporates all previous paragraphs as if fully set out herein.

17. Debt Collector violated the FDCPA.
18. Debt Collector's violations include, but are not limited to, the following:

Debt Collector violated 15 U.S.C. § 1692c(c) of the FDCPA by failing to cease further communication with Mr. Walker after it received the letter sent by Mr. Walker.
19. As a result of the above violations of the FDCPA, the Defendants are liable to the Mr. Walker actual damages, statutory damages, and costs.

VI. SECOND CLAIM FOR RELIEF
15 U.S.C. § 1692d

20. Mr. Walker re-alleges and reincorporates all previous paragraphs as if fully set out herein.
21. Debt Collector violated the FDCPA.
22. Debt Collector's violations include, but are not limited to, the following:

Debt Collector violated 15 U.S.C. § 1692d of the FDCPA by engaging in conduct that the natural consequence of which is to harass, oppress, and/or abuse Mr. Walker.
23. As a result of the above violations of the FDCPA, the Defendants are liable to the Mr. Walker actual damages, statutory damages, and costs.

VII. JURY DEMAND AND PRAYER FOR RELIEF


WHEREFORE, Plaintiff Deandrea Walker respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

- A. Judgment that Debt Collector violated the FDCPA;

- B. Actual damages pursuant to 15 U.S.C. § 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C. § 1692k(2);
- D. Cost and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

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By: 

JEFFREY A. WILSON